

Remarks/Arguments

The Examiner is thanked for the careful review of this Application. Claims 1-20 are pending after entry of the present Request for Reconsideration.

Rejections under 35 U.S.C. § 102:

The Office has maintained rejection of claims 1, 3-5, 12, 15, 17, and 18 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,896,131 to Alexander. For at least the following reasons, Alexander fails to disclose each and every feature of the claimed invention, as defined in independent claims 1, 8, and 15.

The Office interprets that the dark gray color and the light gray color of Alexander are reserved colors, as defined in the claimed invention. The Applicants respectfully traverse the Office's interpretation because contrary to the claimed invention wherein the reserved colors are used for the boundaries of the GUIs, the alleged dark gray reserved color used in the VRAM of Alexander is used for switching between two memories. Specifically, any pixel in the DRAM having the specific color of dark gray color causes the video controller chip to switch from the DRAM memory to the VRAM memory. The dark gray color in the DRAM, however, is not displayed and is only used for switching the pixel color in the GUI to the color of the pixel in the displayed background (i.e., the waveform image pixels of the VRAM).

It is respectfully submitted that Alexander further fails to disclose that the alleged dark gray reserved color has been set aside by the operating system to only be used in the DRAM for the purpose of switching between the memories. That is, Alexander is silent as to whether the alleged dark gray reserved color can be selected by the programmer or any software application to display a pixel on the display screen. Rather, Alexander only discloses that the alleged dark gray reserved color in the rectangular area of interest as provided in the DRAM is not displayed. Alexander, however, fails to disclose that the color of the pixel in the GUI, as provided in the VRAM, cannot be the dark gray color. As such, the alleged dark gray color can be used for drawing the alleged boundaries of the GUIs and that the alleged dark gray color can be displayed in the displayed background. This is contrary to the claimed invention.

In the same manner, Alexander discloses that the alleged light gray color can be used in the background of the GUIs, the alleged boundaries of the GUIs, and the background waveform image. Specifically, when the GUI is transparent or translucent, the background waveform image can be shown partially as the GUIs are written in the VRAM in a checkerboard manner, with alternating dark gray color and light gray color pixels. While the dark gray color pixels in the DRAM are used to switch the color of the pixel, the alleged light gray reserved color pixels of the GUI in the DRAM remain unchanged. Thus, the background and the boundaries of the GUIs both can include the alleged light gray reserved color. Yet further, in the claimed invention, if a reserved color is used to draw the

background of the GUI, the reserved color is mapped to a cross-platform non-reserved color. In Alexander, however, the alleged light gray reserved color pixels are displayed.

Accordingly, independent claims 1, 8, and 15, are submitted to be patentable under 35 U.S.C. § 102(b) over Alexander. Claims 3-5, 12, and 17-18, each of which ultimately depends from independent claims 1, 8, and 15, respectively, are likewise submitted to be patentable under 35 U.S.C. § 102(b) over Alexander for at least the same reasons set forth above regarding the applicable claim.

Rejections under 35 U.S.C. § 103:

The Office has further maintained rejection of claims 2, 6-14, 16, 19, and 20 under U.S.C. 103(a), as being unpatentable over Alexander. The Applicants respectfully traverse these rejections, as the Office has failed to establish prima facie obviousness of the claimed invention, as Alexander fails to disclose, teach, or suggest, all the claim limitations, as provided in independent claims 1, 8, and 15.

If pursuant to the Office's interpretation Alexander used the dark gray and light gray colors as reserved colors (a proposition with which the Applicants disagree), one of ordinary skill in the art reading Alexander would not have arrived at the claimed invention because the alleged dark gray reserved color or the light gray reserved color in Alexander could be used to display a pixel in the GUI background. In fact, when the GUI is opaque (i.e., the part of the waveform image behind the GUI is obscured), Alexander teaches that the backgrounds as well as the boundaries of the GUIs can be any color (i.e., dark gray, light gray, etc.). As such, one of ordinary skill in the art reading Alexander would not have been motivated to modify Alexander so as to use only the alleged light gray or dark gray reserved colors to draw the alleged boundaries of the GUIs. In the same manner, Alexander further fails to teach or suggest using only non-reserved colors in the background of the GUIs.

Furthermore, when the GUIs are translucent or transparent, the dark gray color pixels in the DRAM are not displayed whereas the light gray color pixels in the DRAM are displayed. In this manner, in Alexander, the alleged boundaries and background of the GUIs include the light gray reserved color. As a result, one of ordinary skill in the art reading the teachings of Alexander would not have been motivated to draw the alleged boundaries of the GUIs only in reserved colors or to draw the GUI backgrounds with non-reserved colors. Additionally, when the alleged light gray reserved colors is displayed in the background of the GUI, Alexander fails to teach or suggest mapping the alleged light gray reserved color to a non-reserved color.

Still further, contrary to the claimed invention, Alexander fails to treat all the alleged reserved colors in the same manner. For instance, Alexander teaches that the alleged dark gray reserved color in the DRAM is used to switch the pixel color to the color of the pixel as provided in the VRAM. Alexander further teaches that the alleged light gray reserved color can be used to draw the background or the alleged boundaries of the GUIs (i.e., the light gray

color is remained unchanged). Thus, while one of the alleged reserved colors (i.e., the dark gray reserved color) is not shown and is used for switching between memories, the other alleged reserved color (i.e., the light gray reserved color) is always displayed. Accordingly, Alexander's teachings as to using the alleged reserved colors are contradictory. It must be noted that Alexander cannot be modified so as to treat the alleged dark gray and light gray reserved colors in the same manner, as doing so prevents the waveform display from being shown through the GUIs. Consequently, one of ordinary skill in the art would not have been motivated to modify Alexander so as to arrive at the claimed invention as such modifications render Alexander unsuitable for Alexander's intended purpose of showing the graphical background images within in the foreground window.

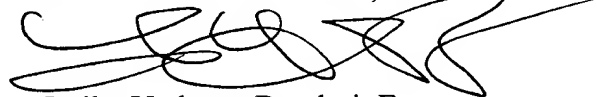
Accordingly, it is respectfully submitted that independent claims 1, 8, and 15 are patentable over the cited art of record. Likewise, dependent claims 2, 6, 7, 9-14, 16, 19, and 20 are also submitted to be patentable over the cited art of record for at least the same reasons discussed above regarding the applicable independent claim. Accordingly, the Applicant respectfully requests that the § 103(a) rejections be withdrawn.

The Applicants submit that this Request for Reconsideration complies with 37 C.F.R. § 1.116(b) and respectfully request that the Request for Reconsideration be entered.

The Applicants respectfully request examination on the merits of the subject application, and respectfully submit that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present Request for Reconsideration, the Examiner is kindly requested to contact the undersigned at (408) 774-6913. If any additional fees are due in connection with filing this Request for Reconsideration, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP009). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,

MARTINE & PENILLA, LLP



Fariba Yadegar-Bandari, Esq.

Registration No.53,805

MARTINE & PENILLA, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94086
Telephone: (408) 774-6913
Facsimile: (408) 749-6901
Customer No. 32291